UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,283	02/09/2001	Dustin Green	14531.91	8039

47973 7590 09/30/2005	EXAMINER
WORKMAN NYDEGGER/MICROSOFT	NGUYEN, HUY THANH

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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *21-24* is/are allowed.

6) ☒ Claim(s) *1,2,5,9-14 and 25* is/are rejected.

7) ☒ Claim(s) *3-4,6-8,15-20 and 26-28* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-2,5 ,9-14 and 25 are rejected under 35 U.S.C. 102(e) as being

anticipated by Dimitrova et al (6,185,363).

Regarding claims 1, 14 and 25, Dimitrova discloses an entertainment system

that is capable of playing back stored video data, wherein the video data is

characterized by parameters that vary as a function of time within the video data, a

method of skipping the playback of video data to a location selected to approximate a

segment transition between segments of the video data, the method comprising the acts

of

playing back stored video data, wherein the video data includes information identifying

positions in the video data that are candidates for segment transitions, the candidates

for segment transitions having been identified based on a comparison of values

representing the change of the value of a parameter of the video data at a plurality of

positions in the video data (column 3, lines 1-25, column 4, lines 25-35, column 12, line 45 to column 13, line 15);

skipping the playback of the video data to a location in the video data designated to approximate a segment transition between segments of the video data, by performing the acts of

selecting one of the candidates for segment transitions as the location to which the playback is to be skipped , column 12, line 45 to column 13, line 15); and

skipping the playback to the selected location and resuming playing back of video data from the selected location, column 12, line 45 to column 13, line 15).

Method claims 14 and 25, correspond to apparatus claim 1. Therefore, method claims 14 and 25 are rejected by the same reason as applied to apparatus claim 1.

Further for claim 25, Dimitrova teaches further a computer program product for implementing the method claim since Dimitrova teach using a computer program for process and identifying the transitions of video data (column 4 lines 18-26)

Regarding claim 2, Dimitrova further teaches the method as defined in claim 1, further comprising, prior to the act of playing back the stored video data, the act of identifying the positions in the video data that are candidates for segment transitions by quantifying the rate of change in the value of the parameter of the video data at the plurality of positions in the video data (column 12, lines 15-47.

Regarding claim 5, Dimitrova further teaches the information identifying positions in the video data that are candidates for segment transitions comprises transition tags inserted into the video data at the positions that are candidates for segment transitions,

the transition tags having been inserted by the entertainment system after the

entertainment system receives the video data (column 13, line 1-15)

Regarding claim 9, Dimitrova teaches a method as defined in claim 1, further

comprising the act of receiving input from a user requesting the playback to be skipped,

the act of skipping the playback of the video data being initiated in response to the act

of receiving input (column 13, lines 1-15).

Regarding claim 10, Dimitrova teaches a method as defined in claim 1, wherein

the candidates for segment transitions have been identified based on a comparison of

values representing the change of the value of multiple parameters of the video data at

a plurality of positions in the video data (column 4, line 48 to column 5, line 68

Regarding claim 11, Dimitrova teaches the method as defined in claim 1,

wherein the parameter is selected from a group of parameters consisting of:

frame size; luminance of an image encoded in the video data; and

overall quantization scale used to encode the color of the image (column 5).

Regarding claim 12, Dimitrova teaches the method as defined in claim 1,

wherein: the video data is encoded using a compression format that uses interframe

decoding and includes periodic intraframes used in interframe decoding; and

the parameter represents a frequency of the intraframes in the video data (column 3,

lines 30-40, column 4, lines 35-68).

Regarding claim 13, Dimitrova teaches the method as defined in claim 1, further

comprising the act of receiving and storing the video data at the entertainment system

for later playback of the video data (column 4, lines 20-27, column 12, line 20 to

column 13, line 15).

3.   Claims 1,5 ,9-10,14 and 25 are rejected under 35 U.S.C. 102(e) as being

anticipated by Nagasawa (6,842,578).

Regarding claims 1, 14 and 25, Nagasawa discloses an entertainment system

(Figs. 1,4-6,15) that is capable of playing back stored video data, wherein the video

data is characterized by parameters that vary as a function of time within the video data,

a method of skipping the playback of video data to a location selected to approximate a

segment transition between segments of the video data, the method comprising the acts

of :

playing back stored video data, wherein the video data includes information

identifying positions in the video data that are candidates for segment transitions, the

candidates for segment transitions having been identified based on a comparison of

values representing the change of the value of a parameter of the video data at a

plurality of positions in the video data (column 6, lines 65 to column 7, line 5, column 15

lines 1-55, column 14, lines 21-66).

skipping the playback of the video data to a location in the video data designated

to approximate a segment transition between segments of the video data, by performing

the acts of (column 14 lines 21-66, Fig. 4-6)

selecting one of the candidates for segment transitions as the location to which

the playback is to be skipped (column 13, lines 55-65, column 14, lines 38-68); and

skipping the playback to the selected location and resuming playing back of

video data from the selected location (column 14, lines 38-68) .

Method claims 14 and 25, correspond to apparatus claim 1. Therefore, method

claims 14 and 25 are rejected by the same reason as applied to apparatus claim 1.

Further for claim 25, Nagasawa further teaches a computer program product

for implementing the method claim since Dimitrova teach using a system controller

program for process and identifying the transitions of video data and skipping the video

data (Figs. 1 and 15)

Regarding claim 5, Nagasawa further teaches the information identifying

positions in the video data that are candidates for segment transitions comprises

transition tags inserted into the video data at the positions that are candidates for

segment transitions, the transition tags having been inserted by the entertainment

system after the entertainment system receives the video data (column 14, lines 50-

68).

Regarding claim 9, Nagasawa further teaches a method as defined in claim 1,

further comprising the act of receiving input from a user requesting the playback to be

skipped, the act of skipping the playback of the video data being initiated in response to

the act of receiving input (Figs. 4-6).

Regarding claim 10, Nagasawa teaches a method as defined in claim 1,

wherein the candidates for segment transitions have been identified based on a

comparison of values representing the change of the value of multiple parameters of the

video data at a plurality of positions in the video data ((column 13, lines 55-65, column 14, lines 38-68).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawakami et al teaches an apparatus for skipping the play back of video data .

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HUY NGUYEN
PRIMARY EXAMINER